

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION**

IN RE:)	CASE NO. 22-60289-EJC
)	
WILLIAM JOHN MCLEOD, JR.,)	CHAPTER 13
)	
Debtor.)	
_____)	

OBJECTION TO CONFIRMATION

COMES NOW Pentagon Federal Credit Union (the “Credit Union”), and files this Objection to Confirmation of the Debtor’s Chapter 13 Plan to be heard on January 23, 2023 in Statesboro, Georgia, at 9:00 a.m. and shows the Court as follows:

1.

The Credit Union is a secured creditor of William John McLeod, Jr.’s (the “Debtor”) and Mary Ann McLeod’s (the Co-Debtor”) in the amount of \$42,205.01 by virtue of their execution of a PENFED Truth in Lending Disclosure Promissory Note (the “Note”) on July 14, 2021 secured by a first priority security interest in a 2019 Ford F150 SuperCrew Cab XLT 2WD, VINIFTEW1C5XKFB24195 (the “Vehicle”).

2.

Pursuant to the Note, \$43,380.78 was advanced to the Debtor and Co-Debtor. By signing the Note, the Debtor and Co-Debtor agreed to make payments in the amount of \$765.68 per month and to repay all monies advanced to the Debtor and Co-Debtor and owed to Movant plus interest at the rate of 8.36% per annum. True and correct copies of the Note and the Pentagon Federal Credit Union Lien and Title Report are attached hereto as Exhibits “1” and “2,” collectively and their contents are incorporated herein by reference.

3.

The Debtor filed a petition constituting an Order for Relief under Chapter 13 of Title 11 of the United States Code on April 29, 2022 (the “First Case”). The Credit Union obtained relief from the automatic stay on August 30, 2022 (Docket No. 30) and from the Co-Debtor Stay on July 15, 2022 (Docket No. 25). The First Case was dismissed on the Debtor’s Motion on November 18, 2022 (Docket No. 52).

4.

The Debtor filed a second petition constituting an Order for Relief under Chapter 13 of Title 11 of the United States Code on November 21, 2022 (the “Current Case”) three days after the dismissal of the First Case.

5.

In the Debtor’s proposed Chapter 13 Plan in the Current Case, the Debtor states that he is surrendering the Vehicle in full satisfaction of the Credit Union’s claim.

6.

Movant has filed a Motion for Relief and a Motion for Co-Debtor Relief as to the Vehicle.

7.

11 U.S.C. § 1325(a)(5)(B) does not affect a creditor’s right to a deficiency claim if the surrendered vehicle is not sold for a sum sufficient to satisfy its claim.

8.

A cram-down of the claim denies the Credit Union the full value of its claim and the Credit Union is not adequately protected.

WHEREFORE, the Credit Union prays that this objection be sustained, that the Chapter

13 Plan be denied confirmation, and that the Court grant such other and further relief as it deems just and proper.

This 8th day of December 2022.

Respectfully submitted,

KAPLAN, BOGUE & COOPER, P.C.

/s/ Samantha L. Tzoberi

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CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing ***Objection to Confirmation*** to the following parties with adequate postage affixed thereto, addressed as follows:

William John McLeod, Jr.
1074 Rogers Road
Glennville, GA 30427

O. Byron Meredith, III
P.O. Box 10556
Savannah, GA 31412

John E. Pytte
John E. Pytte, P.C.
118 Commerce Street
P.O. Box 949
Hinesville, GA 31310

This 8th day of December, 2022.

Respectfully submitted,

/s/ Samantha L. Tzoberi
Samantha L. Tzoberi, Georgia Bar No. 140809